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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA
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9 United States of America,) 08-00201M
10 Plaintiff,) **ORDER**
11 vs.)
12)
13 Ruben Aldrete; Profirio Flores-Marquez;)
14 Silverio Romero-Valenzuela; Javier)
15 Rivera-Velarde,)
16 Defendants.)
_____)

17 This matter arises on Defendant Ruben Aldrete's Motion to Extend Time to
18 Indict. (docket # 20) The Motion makes clear that Defendants are "charged with
19 [Conspiracy and Possession with] With Intent to distribute 50 kilograms or more of a mixture
20 or substance containing a detectable amount of Marijuana, a Schedule I controlled substance
21 in violation of Title 21 U.S.C § 846 and 841(a) (1)." (*Id.*)

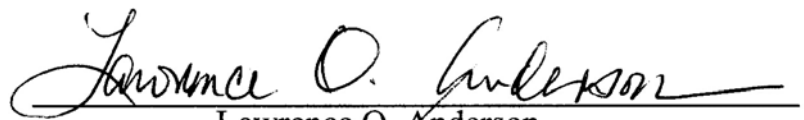
22 It is, and has been, the District Court's policy since 2000 to deny second or
23 subsequent motions to extend time to indict and to grant them in only immigration-related
24 felonies. Since the Defendants are not charged with Illegal Reentry After Deportation or a
25 similar immigration-related crime, even though they may not be United States citizens or
26 lawful permanent residents and in the United States unlawfully, the subject Motion will be
27 denied. Defendant Ruben Aldrete is not, however, without a remedy to preserve any "fast-
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1 track” plea agreement if he were to timely waive his 5th Amendment right to indictment and
2 proceed by information. *United States v. Arellano-Rivera*, 244 F.3d 1119 (9th Cir. 2001).

3 **IT IS ORDERED** that Defendant Ruben Aldrete’s Motion to Extend Time to
4 Indict, docket # 20, is **DENIED**. See, *United States v. Ramirez-Cortez*, 213 F.3d 1149 (9th
5 Cir. 2000) (defendant cannot waive the protections of the Speedy Trial Act indictment clock
6 by stipulating to a continuance).

7 The last day to seek a timely indictment in this case is, and remains, June 26,
8 2008.

9 Dated this 13th day of June, 2008.

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12 Lawrence O. Anderson
United States Magistrate Judge
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